

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
William R. Patterson et al.

Serial No.: Unassigned

Filed: Herewith

For: APPARATUS FOR BLOOD  
OXYGENATION (as amended)

DIV of Appl. SN: 09/409,952 filed on September 30, 1999,

§ Customer No.: 27,405  
§  
§ Group Art Unit: Unassigned  
§  
§ Examiner: Unassigned  
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§  
§ Atty. Docket: PA084-US  
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§

ASSISTANT COMMISSIONER  
FOR PATENTS  
WASHINGTON, D.C. 20231

EXPRESS MAIL MAILING LABEL	
NUMBER:	EL 842829991 US
DATE OF DEPOSIT:	February 8, 2002
<i>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the U.S. Postal Service, "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</i>	
February 8, 2002	<i>Tamara J. McGovern</i>
Date	Tamara J. McGovern

Sir:

POWER OF ATTORNEY

The undersigned, being the Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below, hereby appoints:

Practitioners at Customer Number 27405

to prosecute the application to the exclusion of the inventor(s), and to transact all business in the United States Patent and Trademark Office connected therewith.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to THEROX, INC. referenced below and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

**Customer Number 27405**

ASSIGNEE: THEROX, INC.

Date: February 8, 2002

By: *Paul J. Zalesky*  
Name: Paul J. Zalesky, Ph. D., Chief Technical Officer

ASSIGNMENT:

☐ Enclosed for recording  
☒ Previously recorded, Copy Enclosed:  
☒ Notice of Recordation Enclosed

Date: September 30, 1999  
Reel: 010296  
Frame: 0569

Total of 1 form is submitted.

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to TherOx, Inc. (the "Assignee"), having a place of business at 2400 Michelson Drive, Irvine, California, 92612, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith, and is entitled "APPARATUS AND METHOD FOR BLOOD OXYGENATION," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will (1) execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; (2) execute all rightful oaths, declarations, assignments, powers of attorney and other papers; (3) communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; (4) cooperate with the Assignee in any interference, opposition, dispute, or litigation involving any of the applications or patents for such improvements; and (5) generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

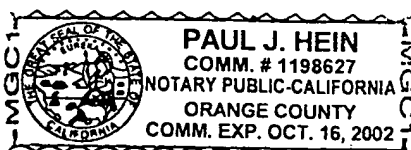
TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature): W. R. Patterson  
Name: William R. Patterson

Date: 9/30/99

STATE OF CA §  
COUNTY OF ORANGE § ss.  
§

BEFORE ME, the undersigned authority, on this 30<sup>th</sup> day of SEPT., 1999, personally appeared William R. Patterson known to me to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Paul J. Hein  
Notary or Consular Officer

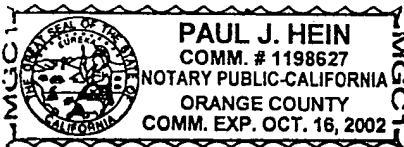
[SEAL]

(Signature): *Stephen E. Myrick*  
Name: Stephen E. Myrick

Date: 9/30/99

STATE OF CA §  
COUNTY OF LOS ANGELES § ss.  
§

BEFORE ME, the undersigned authority, on this 30<sup>th</sup> day of SEPT., 1999, personally appeared Stephen E. Myrick known to me to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



*Paul J. Hein*  
Notary or Consular Officer

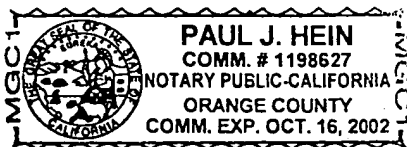
[SEAL]

(Signature): *Vincent Divino, Jr.*  
Name: Vincent Divino, Jr.

Date: 9/30/99

STATE OF CA §  
COUNTY OF ORANGE § ss.  
§

BEFORE ME, the undersigned authority, on this 30<sup>th</sup> day of SEPT., 1999, personally appeared Vincent Divino, Jr. known to me to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



*Paul J. Hein*  
Notary or Consular Officer

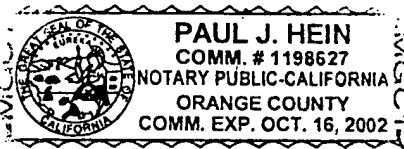
[SEAL]

(Signature): Jeffrey L. Creech  
Name: Jeffrey L. Creech

Date: 9/30/99

STATE OF CA §  
COUNTY OF ORANGE § SS.  
§

BEFORE ME, the undersigned authority, on this 30<sup>th</sup> day of SEPT., 1999, personally appeared Jeffrey L. Creech known to me to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Paul J. Hein

Notary or Consular Officer

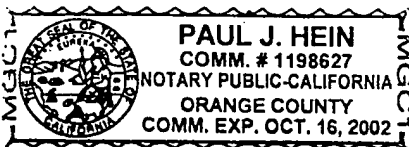
[SEAL]

(Signature): Mark S. Buhr  
Name: Mark S. Buhr

Date: 9/30/99

STATE OF CA §  
COUNTY OF ORANGE § SS.  
§

BEFORE ME, the undersigned authority, on this 30<sup>th</sup> day of SEPT., 1999, personally appeared Mark S. Buhr known to me to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Paul J. Hein

Notary or Consular Officer

[SEAL]

# DECLARATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "APPARATUS AND METHOD FOR BLOOD OXYGENATION," the specification of which:

  X   is attached hereto.  
           was filed on                      as Application Serial No.:                     

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## PRIOR FOREIGN APPLICATION(S)

### Priority Claimed

(Number)	(Country)	(Date Filed)	Yes/No
(Number)	(Country)	(Date Filed)	Yes/No

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose all information known to us to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
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We hereby direct that all correspondence and telephone calls be addressed to Michael G. Fletcher, Fletcher, Yoder & Van Someren, P.O. Box 692289, Houston, Texas 77269-2289, (281) 970-4545.

We hereby declare that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: William R. Patterson  
(First) (Initial) (Last)

Inventor's Signature: W. R. Patterson

Date: 9/30/99 Country of Citizenship USA

Residence Address: 90 Windjammer Drive  
(Include number, street name, city, state, and country)  
Irvine, California 92614

Post Office Address:  
(If different)

Inventor's Full Name: Stephen E. Myrick  
(First) (Initial) (Last)

Inventor's Signature: Stephen Myrick

Date: 9/30/99 Country of Citizenship USA

Residence Address: 2826 Stephenson Place  
(Include number, street name, city, state, and country)  
Tustin, California 92782

Post Office Address:  
(If different)

2003020-2072001

Inventor's Full Name: Vincent Divino, Jr.  
(First) (Initial) (Last)

Inventor's Signature: Vincent Divino Jr.

Date: 9/30/99 Country of Citizenship USA

Residence Address: 24436 Muela  
(Include number, street name, city, state, and country)  
Mission Viejo, California 92692

Post Office Address:  
(If different)

Inventor's Full Name: Jeffrey L. Creech  
(First) (Initial) (Last)

Inventor's Signature: Jeffrey L Creech

Date: 9/30/99 Country of Citizenship USA

Residence Address: 3220 Sawtelle Blvd., #301  
(Include number, street name, city, state, and country)  
Los Angeles, California 90066

Post Office Address:  
(If different)

Inventor's Full Name: Mark S. Buhr  
(First) (Initial) (Last)

Inventor's Signature: Mark S Buhr

Date: 9/30/99 Country of Citizenship USA

Residence Address: 9362 Comstock Drive  
(Include number, street name, city, state, and country)  
Huntington Beach, California 92646

Post Office Address:  
(If different)

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